

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>10/30/2013</b>	Received By:	<b>chanaman</b>
Wanted:	<b>As time permits</b>	Same as LRB:	<b>-3904</b>
For:	<b>Amy Loudenbeck (608) 266-9967</b>	By/Representing:	<b>Lonna</b>
May Contact:		Drafter:	<b>chanaman</b>
Subject:	<b>Criminal Law - crimes agnst kids Criminal Law - procedure Criminal Law - sex offenses Criminal Law - victims</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Rep.Loudenbeck@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

**Topic:**

Human trafficking changes

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/5/2013	wjackson 11/6/2013		_____			
/P1	chanaman 11/26/2013	wjackson 12/5/2013	jfrantze 11/6/2013	_____	lparisi 11/6/2013		
/P2	chanaman 12/9/2013	wjackson 12/9/2013	rschluet 12/5/2013	_____	sbasford 12/5/2013		State S&L

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required Crime</u>
/P3	chanaman 1/6/2014	wjackson 1/6/2014	jmurphy 12/9/2013	_____	srose 12/9/2013		State S&L Crime
/1		wjackson 1/6/2014	jmurphy 1/6/2014	_____	srose 1/6/2014	srose 1/6/2014	State S&L Crime

FE Sent For:

<END>

→ A+  
Intro.

## 2013 DRAFTING REQUEST

### Bill

Received: 10/30/2013 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Amy Loudenberg (608) 266-9967 By/Representing: Lonna  
May Contact: Drafter: chanaman  
Subject: Criminal Law - crimes agnst kids Addl. Drafters:  
Criminal Law - procedure  
Criminal Law - sex offenses Extra Copies:  
Criminal Law - victims

Submit via email: YES  
Requester's email: Rep.Loudenberg@legis.wisconsin.gov  
Carbon copy (CC) to:

### Pre Topic:

No specific pre topic given

### Topic:

Human trafficking changes

### Instructions:

See attached

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/5/2013	wjackson 11/6/2013				JJA	
/P1	chanaman 11/26/2013	wjackson 12/5/2013	jfrantze 11/6/2013		lparisi 11/6/2013		
/P2	chanaman 12/9/2013	wjackson 12/9/2013	rschluet 12/5/2013		sbasford 12/5/2013		State S&L

1 WJ 3/6

JJA

JJA  
FOR  
ASSEMBLY

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u> Crime
/P3			jmurphy 12/9/2013	_____	srose 12/9/2013		State S&L Crime

FE Sent For:

<END>

JACKET  
for  
A.

## 2013 DRAFTING REQUEST

### Bill

Received: 10/30/2013 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Amy Loudenbeck (608) 266-9967 By/Representing: Lonna  
May Contact: Drafter: chanaman  
Subject: Criminal Law - crimes agnst kids Addl. Drafters:  
Criminal Law - procedure Extra Copies:  
Criminal Law - sex offenses  
Criminal Law - victims

Submit via email: YES  
Requester's email: Rep.Loudenbeck@legis.wisconsin.gov  
Carbon copy (CC) to:

### Pre Topic:

No specific pre topic given

### Topic:

Human trafficking changes

### Instructions:

See attached

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/5/2013	wjackson 11/6/2013					
/P1	chanaman 11/26/2013	wjackson 12/5/2013	jfrantze 11/6/2013		lparisi 11/6/2013		
/P2		rschluet 12/5/2013			sbasford 12/5/2013		State S&L

*/p3 wly 12/9*  
*gm 12/9*

Vers. Drafted      Reviewed   Typed      Proofed      Submitted      Jacketed      Required  
Crime

FE Sent For:

<END>

## 2013 DRAFTING REQUEST

### Bill

Received: 10/30/2013 Received By: chanaman  
Wanted: As time permits Same as LRB:  
For: Amy Loudenbeck (608) 266-9967 By/Representing: Lonna  
May Contact: Drafter: chanaman  
Subject: Criminal Law - crimes agnst kids Addl. Drafters:  
Criminal Law - procedure  
Criminal Law - sex offenses Extra Copies:  
Criminal Law - victims

Submit via email: YES  
Requester's email: Rep.Loudenbeck@legis.wisconsin.gov  
Carbon copy (CC) to:

### Pre Topic:

No specific pre topic given

### Topic:

Human trafficking changes

### Instructions:

See attached

### Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman 11/5/2013	wjackson 11/6/2013					
/P1		/P2 WJ 12/5	jfrantze 11/6/2013		lparisi 11/6/2013		

FE Sent For:

<END>

**2013 DRAFTING REQUEST**

**Bill**

Received:	<b>10/30/2013</b>	Received By:	<b>chanaman</b>
Wanted:	<b>As time permits</b>	Same as LRB:	
For:	<b>Amy Loudenbeck (608) 266-9967</b>	By/Representing:	<b>Lonna</b>
May Contact:		Drafter:	<b>chanaman</b>
Subject:	<b>Criminal Law - crimes agnst kids Criminal Law - procedure Criminal Law - sex offenses Criminal Law - victims</b>	Addl. Drafters:	
		Extra Copies:	

Submit via email: **YES**  
 Requester's email: **Rep.Loudenbeck@legis.wisconsin.gov**  
 Carbon copy (CC) to:

**Pre Topic:**

No specific pre topic given

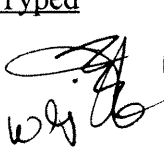
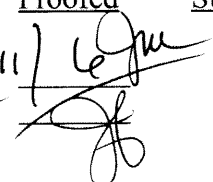
**Topic:**

Human trafficking changes

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	chanaman	/PWLJ11/6					

FE Sent For:

<END>



## Hanaman, Cathlene

---

**From:** Morouney, Lonna  
**Sent:** Thursday, October 24, 2013 4:41 PM  
**To:** Hanaman, Cathlene  
**Subject:** Human Trafficking draft proposal  
**Attachments:** Draft Proposal for Human Trafficking and Sensitive Crime Legislation.docx

Hi Cathlene,

Here is the bill draft we have been working on with DOJ. Let me know if you have any questions. Thank you,

Lonna

Lonna Morouney  
Committee Clerk for Assembly Committee on Workforce Development  
Office of Representative Amy Loudenberg  
31<sup>st</sup> Assembly District

Office 209 North  
PO Box 8952  
Madison, WI 53708  
608-266-9967 Toll free: (888) 529-0031  
[Lonna.morouney@legis.wi.gov](mailto:Lonna.morouney@legis.wi.gov)

# Draft Proposal for Human Trafficking & Sensitive Crime Legislation

## SECTION 1. 6.47 (1) (b) of the statutes is amended to read:

6.47 (1) (b) "Offense relating to domestic abuse, sexual assault, or stalking" means an offense specified in s. 940.19, 940.20(1m), 940.201, 940.22, 940.225, 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

*add's solicitation  
suppression  
to do  
offense  
election*

## SECTION 2. 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.19(3), 1999 stats., s. 940.195(3), 1999 stats., s. 943.23(1m), 1999 stats., or s. 943.23(1r), 1999 stats., or s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19(4) or (5), 940.195(4) or (5), 940.20, 940.201, 940.203, 940.21, 940.225(1) to (3), 940.23, 940.235, 940.285(2)(a)1. or 2., 940.29, 940.295(3)(b)1g., 1m., 1r., 2., or 3., 940.31, 940.43(1) to (3), 940.45(1) to (3), 941.20(2) or (3), 941.26, 941.30, 941.327, 943.01(2)(c), 943.011, 943.013, 943.02, 943.04, 943.06, 943.10(2), 943.23(1g), 943.30, 943.32, 946.43, 947.015, 948.02(1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.08, 948.085, or 948.30.

## SECTION 3. 904.04 (2) (a) of the statutes is amended to read:

904.04 (2) (a) Except as provided in par. (b) 2., evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. This subsection does not exclude the evidence when offered for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

## SECTION 4. 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

## SECTION 5. ~~904.04 (2) (b) (title)~~ of the statutes is created to read:

~~904.04 (2) (b) (title)~~ *Greater latitude.*

*no title in  
(a)*

## SECTION 6. 939.615 (1) (b) 2. of the statutes is amended to read:

939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation specified in subd. 1., if the court determines that one of the purposes for the conduct constituting the violation was for the actor's sexual arousal or gratification.

**SECTION 7. 940.302 (1) (a) of the statutes is amended to read:**

940.302 (1) (a) "Commercial sex act" means sexual contact, sexual intercourse, sexually explicit performance or any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification for which anything of value is given to, promised, or received, directly or indirectly, by any person.

**SECTION 8. 940.302 (1) (d) of the statutes is amended to read:**

940.302 (1) (d) "Trafficking" means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual ~~without consent of the individual~~.

**SECTION 9. 940.302 (2) (a) 2. i. of the statutes is amended to read:**

940.302 (2) (a) 2. i. Controlling or threatening to control any individual's access to an addictive controlled substance.

**SECTION 10. 940.302 (2) (a) 2. j. of the statutes is amended to read:**

940.302 (2) (a) 2. j. Using any scheme, ~~or~~ pattern or other means to directly or indirectly coerce, threaten or intimidate any cause an individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm.

**SECTION 11. 940.302 (2) (a) 2. k. of the statutes is created to read:**

940.302 (2) (a) 2. k. Using or threatening to use force or violence upon any individual.

**SECTION 12. 940.302 (2) (a) 2. l. of the statutes is created to read:**

940.302 (2) (a) 2. l. Causing or threatening to cause any individual to do any act against the person's will or without the person's consent.

**SECTION 13. 940.302 (2) (b) of the statutes is amended to read:**

940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is guilty of a Class D felony if the person ~~knows~~ knew or reasonably should have known that the benefits ~~come~~ came or derived from an act or scheme described in par. (a).

**SECTION 14. 944.30 (1) - (5) of the statutes is renumbered 944.30 (1) (a) - (e).**

**SECTION 15. 944.30 (2) of the statutes is created to read:**

✓ 944.30 (2) Any person who is less than 18 years of age may enter into a consent decree under s. 938.32 or a deferred prosecution agreement under s. 938.245, 971.39 or 971.40 if the court determines the person will benefit and society will not be harmed by this disposition.

**SECTION 16. 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and amended to read:**

Whoever knowingly receives if the person received compensation from the earnings of the debt bondage, a commercial sex act or a prostitute, such person is guilty of a Class F felony.

**SECTION 17. 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and amended to read:**

✓ 904.04 (2) (b) 1. In a ~~prosecution under this section~~ criminal proceeding alleging a violation of a serious sex offense as defined in s. 939.615 (1) (b), human trafficking in s. 940.302, a crime against a child under ch. 948, or domestic abuse as defined in s. 968.075 (1) (a) or subject to the surcharge in s. 973.055, it is competent for the state to prove other evidence of any similar acts by the accused is admissible for the purpose of showing the accused's intent and disposition. The victim of the charged crime does not have to be the same as the victim of the other crime, wrong or act.

**SECTION 18. 948.051 (1) of the statutes is amended to read:**

948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors, or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the purpose of commercial sex acts, as defined in s. 940.302(1)(a), ~~or sexually explicit performance~~ is guilty of a Class C felony.

**SECTION 19. 948.10 (title) of the statutes is amended to read:**

948.10 (title) Exposing genitals ~~or~~, pubic area or intimate parts.

**SECTION 20. 948.10 (1) of the statutes is amended to read:**

948.10 (1) Whoever, for purposes of sexual arousal or sexual gratification, causes a child to expose genitals ~~or~~, pubic area or intimate parts or exposes genitals ~~or~~, pubic area or intimate parts to a child is guilty of the following:

**SECTION 21. 949.03 (1) (b) of the statutes is amended to read:**

949.03 (1) (b) The commission or the attempt to commit any crime specified in s. 346.62(4), 346.63(2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22(2), 940.225, 940.23, 940.235, 940.24, 940.25,

940.285, 940.29, 940.30, 940.302(2), 940.305, 940.31, 940.32, 941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23(1g), 943.32, 943.81, 943.86, 943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075, 948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

**SECTION 22. 950.04 (1v) (p) of the statutes is amended to read:**

950.04 (1v) (p) To have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15 (2m). A victim is entitled to view the presentence investigation report's sentence recommendation and the victim information included under s. 972.15 (2m), as provided in s. 972.15 (4m).

**SECTION 23. 972.15 (4m) of the statutes is amended to read:**

972.15 (4m) The district attorney and the defendant's attorney are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy of the report. A district attorney or defendant's attorney who receives a copy of the report shall keep it confidential. A district attorney may disclose to a victim the report's sentence recommendation and the victim information included under sub. (2m). A defendant or victim who views the contents of a presentence investigation report shall keep the information in the report confidential.

**SECTION 24. 973.015 (3) and (4) of the statutes is created to read:**

973.015 (3) At any time after being convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect of s. 944.30, a person may make a motion in the court in which he or she was convicted, adjudicated delinquent, or found not guilty by reason of mental disease or defect for an order vacating the conviction, adjudication or finding or that the record of the violation of s. 944.30 be expunged. The court may vacate the conviction, adjudication or finding or order that the record of the violation of s. 944.30 be expunged when all of the following are true:

- (a) The person was a victim of trafficking for the purposes of a commercial sex act under s. 940.302, 948.051 or 22 USC 7101 to 7112.
- (b) The person committed the violation of s. 944.30 as a result of being a victim of trafficking for the purposes of a commercial sex act.
- (c) The motion complied with the requirements of s. 971.30. The motion shall contain a statement of facts and, if applicable, provide the reason that the person did not previously raise an affirmative defense under s. 939.46 or allege he or she committed the violation of s. 944.30 as a result of being a victim of trafficking for the purposes of a commercial sex act. The motion may include any of the following:

1. Certified records of federal or state court proceedings.
2. Certified records of approval notices, law enforcement certifications, or similar documents generated from federal immigration proceedings.
3. Official documentation from a federal, state, or local government agency.
4. Other relevant and probative evidence of sufficient credibility in support of the motion.

(d) The person made the motion with due diligence subject to reasonable concerns for the safety of himself or herself, family members, other victims of trafficking for the purposes of a commercial sex act or other reasons consistent with the safety of persons.

(e) The person who made the motion under sub. (3) or, if applicable, his or her attorney served a copy of the motion on the district attorney's office that prosecuted the case that resulted in the conviction, adjudication, or finding of not guilty by reason of mental disease or defect. Failure by a movant to serve a copy of the motion on the appropriate district attorney's office does not deprive the court of jurisdiction and is not grounds for dismissal of the motion.

(f) The court in which the motion is made notified the appropriate district attorney's office that a motion has been made under sub. (3) and gave the district attorney an opportunity to respond to the motion.

(g) The court determined the person will benefit and society will not be harmed by this disposition.

(4) A special disposition under this section shall not be a basis for a claim under s. 775.05.

**SECTION 25. 973.075 (1) (a) of the statutes is amended to read:**

973.075 (1) (a) All property, real or personal, including money, directly or indirectly used in the course of, or intended for use in the course of, derived from or realized through the commission of any crime.

**SECTION 26. 973.075 (1) (b) 1m. c. of the statutes is amended to read:**

973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302, 944.30, 944.31, 944.32, 944.33, ~~or~~ 944.34, 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12 or 948.14.

**SECTION 27. 973.076 (1) of the statutes is renumbered 973.076 (1) (a).**

**SECTION 28. 973.076 (2) (a) - (d) of the statutes is renumbered 973.076 (1) (b) 1. - 4.**

**SECTION 29. 973.076 (1) (title) of the statutes is created to read:**

973.076 (1) (title) CIVIL FORFEITURES.

**SECTION 30. 973.076 (2) of the statutes is created to read:**

973.076 (2) (title) CRIMINAL FORFEITURES.

- (a) In addition to the penalties under this chapter, the court shall order forfeiture, according to the procedures set forth in pars. (b) to (d), of any property specified under s. 973.075 (1). All forfeitures under this section shall be made with due provision for the rights of innocent persons.
- (b) Any criminal complaint shall allege the extent of property subject to forfeiture under this section. At trial, the trier of fact shall return a special verdict determining the extent of property, if any, to be subject to forfeiture under this section. When a special verdict contains a finding of property subject to a forfeiture under this section, a judgment of criminal forfeiture shall be entered along with the judgment of conviction under s. 972.13.
- (c) Any injured person has a right or claim to forfeited property or the proceeds derived therefrom superior to any right or claim the state has under this section in the same property or proceeds. This paragraph does not grant the injured person priority over state claims or rights by reason of a tax lien or other basis not covered by ss. 973.075 to 973.077. All rights, titles and interest in property described in s. 973.075 (1) vest in the state upon the commission of the act giving rise to forfeiture under this section.
- (d) Any injured or innocent persons shall not intervene in the trial or appeal of the criminal conviction, but may petition the court for relief from the judgment of forfeiture within 30 days after the entry of the order. The person filing the petition shall have the burden of satisfying or convincing to a reasonable certainty by the greater weight of the credible evidence that the person has a bona fide perfected security interest in the property subject to forfeiture in s. 973.075 (1) or any other property subject to forfeiture in sub. (4). The court may order that a person with a bona fide perfected security interest shall be paid from the proceeds of the forfeiture or any other equitable relief necessary so as to do substantial justice to the person.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-3538/rp1  
CMH:/.....

Wlj

Wed please

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

LPS:  
Please  
check  
auto-refs  
TX!

general

- 1 **AN ACT ...; relating to:** human trafficking, human trafficking victims, property  
2 forfeitures, rights of victims, admitting evidence of past actions, definitions of  
3 certain offenses, and providing ~~a penalty~~ *penalties*

---

***Analysis by the Legislative Reference Bureau***

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 4 **SECTION 1.** 6.47 (1) (b) of the statutes is amended to read:  
5 6.47 (1) (b) "Offense relating to domestic abuse, sexual assault, or stalking"  
6 means an offense specified in s. 940.19, 940.20 (1m), 940.201, 940.22, 940.225,  
7 940.235, 940.32, 947.013, 948.02, 948.025, 948.06, 948.085, 948.09, or 948.095.

History: 1999 a. 49, 186; 2003 a. 265; 2005 a. 253, 277, 278; 2007 a. 20; 2009 a. 180.

- 8 **SECTION 2.** 48.02 (1) (d) of the statutes is amended to read:



48.02 (1) (d) Permitting, allowing or encouraging a child to violate s. 944.30  
(1m).✓

**History:** 1971 c. 41 s. 12; 1971 c. 164; 1973 c. 263; 1977 c. 205, 299, 354, 418, 447, 449; 1979 c. 135, 300, 352; 1981 c. 81; 1983 a. 189, 447, 471; 1985 a. 176; 1987 a. 27, 285, 339; 1989 a. 31; Sup. Ct. Order, 151 Wis. 2d xxv (1989); 1989 a. 107; 1991 a. 39; 1993 a. 98, 375, 377, 385, 446, 491; 1995 a. 27 ss. 2423 to 2426p, 9126 (19), 9145 (1); 1995 a. 77, 275, 352, 448; 1997 a. 27, 104, 191, 292; 1999 a. 9; 2001 a. 16, 59, 69; 2005 a. 113, 232, 277, 344; 2005 a. 443 s. 265; 2007 a. 20; 2009 a. 28; 2009 a. 94 ss. 2 to 9, 231; 2009 a. 185 s. 86; 2009 a. 302, 334.

**SECTION 3.** 48.355 (2d) (a) 2. a. of the statutes is amended to read:

48.355 (2d) (a) 2. a. A violation of s. 940.225, 944.30 (1m)✓, 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09 or 948.10.

**History:** 1977 c. 354; 1979 c. 295, 300, 359; 1983 a. 27, 102, 399, 538; 1985 a. 29; 1987 a. 27, 339, 383; 1989 a. 31, 41, 86, 107, 121, 359; 1991 a. 39; 1993 a. 98, 334, 377, 385, 395, 446, 481, 491; 1995 a. 27, 77, 201, 225, 275; 1997 a. 27, 205, 237, 292; 1999 a. 9, 103, 149, 186; 2001 a. 2, 16, 109; 2005 a. 277; 2007 a. 20, 116; 2009 a. 28, 79, 94, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

**SECTION 4.** 48.371 (3) (d) of the statutes is amended to read:

48.371 (3) (d) Any involvement of the child, whether as victim or perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02, 948.025, or 948.085, prostitution in violation of s. 944.30 (1m)✓, trafficking in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies, sexual exploitation of a child in violation of s. 948.05, trafficking of a child in violation of s. 948.051, or causing a child to view or listen to sexual activity in violation of s. 948.055, if the information is necessary for the care of the child or for the protection of any person living in the foster home, group home, or residential care center for children and youth or in the home of the relative.

**History:** 1993 a. 395; 1995 a. 275; 1997 a. 272; 2001 a. 59, 69, 105; 2005✓ a. 232, 277; 2007 a. 97, 116; 2009 a. 28, 209; 2011 a. 181, 260.

**SECTION 5.** 48.57 (3p) (g) 3. of the statutes is amended to read:

48.57 (3p) (g) 3. The person has been convicted of a violation of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70, or of a violation of the law of any other state or federal law that would be a violation of ch. 940, 944, or 948, other than a violation of s. 940.291, 940.34, 944.36, 948.45, 948.63, or 948.70, if committed in this state, except that a county department or, in a county having a population of 500,000 or more, the department may make

1 payments to a person applying for payments under sub. (3m) and a person receiving  
2 payments under sub. (3m) may employ in a position in which the person would have  
3 regular contact with the child for whom those payments are being made or permit  
4 to be an adult resident a person who has been convicted of a violation of s. 944.30  
5 (1m), 944.31, or 944.33 or of a violation of the law of any other state or federal law  
6 that would be a violation of s. 944.30 (1m), 944.31, or 944.33 if committed in this  
7 state, if that violation occurred 20 years or more before the date of the investigation.

**History:** 1977 c. 29; 1977 c. 83 s. 26; 1977 c. 271, 354, 418, 447, 449; 1979 c. 34, 221; 1981 c. 329; 1983 a. 189 s. 329 (17); 1983 a. 447; 1985 a. 176; 1987 a. 339; 1993 a. 385, 395, 446, 491; 1995 a. 27 ss. 2575 to 2579m, 9126 (19); 1995 a. 77, 289, 443; 1997 a. 3, 27, 35, 36, 41, 105, 237, 252, 292; 1999 a. 9, 103, 133, 162; 2001 a. 16 ss. 1629, 4036-4038, 4040, 4042, 4043; 2001 a. 38, 59, 69, 109; 2005 a. 25, 232, 293; 2007 a. 20; 2009 a. 28, 71, 94, 180; 2011 a. 32; 2013 a. 20.

**SECTION 6. 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,**

is amended to read:

51.20 (13) (cr) If the subject individual is before the court on a petition filed  
under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
violation that would be a felony if committed by an adult in this state or a violation  
of s. 940.225 (3m), 941.20 (1), 944.20, 944.30, <sup>(1m)</sup> 944.31, 944.33 (~~1~~), 946.52, or 948.10 (1)  
(b), the court shall require the individual to provide a biological specimen to the state  
crime laboratories for deoxyribonucleic acid analysis. The court shall inform the  
individual that he or she may request expungement under s. 165.77 (4).

NOTE: NOTE: Par. (cr) is shown as amended eff. 4-1-15 by 2013 Wis. Act 20. Prior to 4-1-15 it reads: NOTE:

(cr) If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085, the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

**History:** 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1993 a. 98, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034ze to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116; 2009 a. 137, 258, 260; 2013 a. 20.

**SECTION 7. 51.20 (13) (cr) of the statutes, as affected by 2013 Wisconsin Act 20,**

is amended to read:

51.20 (13) (cr) If the subject individual is before the court on a petition filed  
under a court order under s. 938.30 (5) (c) 1. and is found to have committed a  
violation that would be a felony if committed by an adult in this state or a violation

of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or 948.10 (1) (b), the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the individual that he or she may request expungement under s. 165.77 (4).

NOTE: NOTE: Par. (cr) is shown as amended eff. 4-1-15 by 2013 Wis. Act 20. Prior to 4-1-15 it reads:NOTE:

(cr) If the subject individual is before the court on a petition filed under a court order under s. 938.30 (5) (c) 1. and is found to have committed a violation of s. 940.225 (1) or (2), 948.02 (1) or (2), 948.025, or 948.085, the court shall require the individual to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

History: 1975 c. 430; 1977 c. 26, 29; 1977 c. 187 ss. 42, 43, 134, 135; 1977 c. 428 ss. 29 to 65, 115; 1977 c. 447, 449; Sup. Ct. Order, 83 Wis. 2d xiii; 1979 c. 32, 89; Sup. Ct. Order, eff. 1-1-80; 1979 c. 110 s. 60 (1); 1979 c. 175 s. 53; 1979 c. 300, 336, 356; 1981 c. 20, 367; 1981 c. 390 s. 252; 1983 a. 27, 219; 1983 a. 474 ss. 2 to 9m, 14; 1985 a. 29 ss. 1067 to 1071, 3200 (56), 3202 (56); 1985 a. 139, 176, 321, 332; 1987 a. 27; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 366, 394, 403; 1989 a. 31, 334; 1995 a. 96, 196, 227, 316, 451, 474; 1995 a. 77, 201, 268, 292, 440; Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 35, 130, 237, 283; 1999 a. 83, 89, 162; 2001 a. 16 ss. 1966i to 1966n, 4034z to 4034zh; 2001 a. 38, 61, 109; 2003 a. 33, 50, 326; 2005 a. 22, 264, 277, 387; 2007 a. 20, 45, 116; 2009 a. 137, 258, 260; 2013 a. 20.

**SECTION 8.** 103.10 (1m) (b) 6. of the statutes is amended to read:

103.10 (1m) (b) 6. "Sexual abuse" means conduct that is in violation of s. 940.225, 944.30 (1m), 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.085, 948.09, or 948.10 or that is in violation of s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

History: 1987 a. 287; 1989 a. 228; 1991 a. 39; 1993 a. 446; 1995 a. 27, 9130 (4); 1997 a. 3, 156; 2001 a. 74; 2003 a. 33; 2009 a. 28; 2011 a. 16.

**SECTION 9.** 103.34 (1) (b) 2. of the statutes is amended to read:

103.34 (1) (b) 2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08, 940.09, 940.10, 940.19 (2), (4), (5), or (6), 940.21, 940.225 (1), (2), or (3), 940.23, 940.235, 940.24, 940.25, 940.30, 940.302, 940.305, 940.31, 943.02, 943.03, 943.04, 943.10, 943.30, 943.31, 943.32, 944.32, 944.33 (2), 944.34, 946.10, 948.02 (1) or (2), 948.025, 948.03 (2) or (3), 948.04, 948.05, 948.051, 948.055, 948.06, 948.07, 948.075, 948.08, 948.085, 948.11 (2) (a) or (am), 948.12, 948.13, 948.21 (1), or 948.30 or of a substantially similar federal law or law of another state.

History: 2009 a. 3; 2011 a. 209; 2013 a. 36.

**SECTION 10.** 165.60 of the statutes is amended to read:

**165.60 Law enforcement.** The department of justice is authorized to enforce ss. 101.123 (2), (2m), and (8), 175.60 (17) (e), 944.30 (1m), 944.31, 944.33, 944.34, 945.02 (2), 945.03 (1m), and 945.04 (1m) and ch. 108 and, with respect to a false

statement submitted or made under s. 175.60 (7) (b) or (15) (b) 2. or as described under s. 175.60 (17) (c), to enforce s. 946.32 and is invested with the powers conferred by law upon sheriffs and municipal police officers in the performance of those duties. This section does not deprive or relieve sheriffs, constables, and other local police officers of the power and duty to enforce those sections, and those officers shall likewise enforce those sections.

**History:** 1975 c. 39; 1985 a. 29; 1989 a. 97; 2003 a. 33; 2005 a. 86; 2009 a. 12; 2011 a. 35.

**SECTION 11.** 165.70 (1) (b) of the statutes is amended to read:

165.70 (1) (b) Except as provided in sub. (1m), enforce chs. 945 and 961 and ss. 940.20 (3), 940.201, 941.25 to 941.27, 943.01 (2) (c), 943.011, 943.27, 943.28, 943.30, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 946.65, 947.02 (3) and (4), 948.075, and 948.08.

**History:** 1971 c. 40, 211, 307; 1973 c. 156; 1975 c. 39; 1977 c. 173 s. 168; 1977 c. 215, 260; 1977 c. 272 s. 98; 1985 a. 29; 1987 a. 332; 1989 a. 31; 1991 a. 269; 1993 a. 213; 1995 a. 448; 1997 a. 27, 143; 1999 a. 83; 2001 a. 109; 2003 a. 33; 2011 a. 32.

**SECTION 12.** 165.76 (1) (am) of the statutes is amended to read:

165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or 948.10 (1) (b).

**History:** 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96; 2005 a. 277, 344; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97; 2009 a. 261; 2011 a. 257; 2011 a. 260 s. 81; 2013 a. 20.

**SECTION 13.** 165.76 (1) (am) of the statutes, as created by 2013 Wisconsin Act

20, is amended to read:

165.76 (1) (am) Is or was adjudicated delinquent for an act that if committed by an adult in this state would be a felony or for a violation of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or 948.10 (1) (b).

**History:** 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 77, 440; 1997 a. 35, 283; 1999 a. 9; 2001 a. 96; 2005 a. 277, 344; 2007 a. 20 s. 9121 (6) (a); 2007 a. 97; 2009 a. 261; 2011 a. 257; 2011 a. 260 s. 81; 2013 a. 20.

**SECTION 14.** 301.048 (2) (bm) 1. a. of the statutes is amended to read:

301.048 (2) (bm) 1. a. A crime specified in s. 940.19 (3), 1999 stats., s. 940.195 (3), 1999 stats., s. 943.23 (1m), 1999 stats., or s. 943.23 (1r), 1999 stats., or s. 940.01,

1 940.02, 940.03, 940.05, 940.06, 940.08, 940.09, 940.10, 940.19 (4) or (5), 940.195 (4)  
2 or (5), 940.20, 940.201, 940.203, 940.21, 940.225 (1) to (3), 940.23, 940.235, 940.285  
3 (2) (a) 1. or 2., 940.29, 940.295 (3) (b) 1g., 1m., 1r., 2., or 3., 940.31, 940.43 (1) to (3),  
4 940.45 (1) to (3), 941.20 (2) or (3), 941.26, 941.30, 941.327, 943.01 (2) (c), 943.011,  
5 943.013, 943.02, 943.04, 943.06, 943.10 (2), 943.23 (1g), 943.30, 943.32, 946.43,  
6 947.015, 948.02 (1) or (2), 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07,  
7 948.08, 948.085, or 948.30.

*Insert 67 →*  
**History:** 1991 a. 39; 1993 a. 79, 97, 227, 437, 479; 1995 a. 27; 1997 a. 27, 133, 181, 283; 1999 a. 9; 2001 a. 109; 2005 a. 277; 2007 a. 116; 2009 a. 28; 2011 a. 38; s. 35.17  
correction in sub. (2) (am) 3m.

8 **SECTION 15.** 440.312 (2) of the statutes is amended to read:

9 440.312 (2) The department may not grant a license under this subchapter to  
10 any person who has been convicted of an offense under s. 940.22, 940.225, 940.302  
11 (2) (a) 1. b., 944.06, 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34,  
12 948.02, 948.025, 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10,  
13 948.11, or 948.12.

**History:** 2009 a. 282.

14 **SECTION 16.** 440.982 (2) of the statutes is amended to read:

15 440.982 (2) The department may not grant a license under this subchapter to  
16 any person who has been convicted of an offense under s. 940.22, 940.225, 944.06,  
17 944.15, 944.17, 944.30 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025,  
18 948.051, 948.06, 948.07, 948.075, 948.08, 948.09, 948.095, 948.10, 948.11, or 948.12  
19 or under s. 940.302 (2) if s. 940.302 (2) (a) 1. b. applies.

**History:** 2005 a. 292; 2007 a. 20, 104, 116.

20 **SECTION 17.** 460.05 (1) (h) 1. of the statutes is amended to read:

21 460.05 (1) (h) 1. An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
22 (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
23 948.095, or 948.10.

**History:** 2001 a. 74; 2005 a. 22, 25, 254, 277; 2007 a. 104; 2009 a. 355 ss. 21, 28 to 34.

1           **SECTION 18.** 460.14 (2m) (a) of the statutes is amended to read:

2           460.14 **(2m)** (a) An offense under s. 940.22, 940.225, 944.15, 944.17, 944.30  
3           (1m), 944.31, 944.32, 944.33, 944.34, 948.02, 948.025, 948.08, 948.085, 948.09,  
4           948.095, or 948.10.

**History:** 2001 a. 74; 2005 a. 277; 2009 a. 355.

5           **SECTION 19.** 904.04 (2) (a) of the statutes is amended to read:

6           904.04 **(2)** (a) Except as provided in par. (b) 2, evidence of other crimes, wrongs,  
7           or acts is not admissible to prove the character of a person in order to show that the  
8           person acted in conformity therewith. This subsection does not exclude the evidence  
9           when offered for other purposes, such as proof of motive, opportunity, intent,  
10          preparation, plan, knowledge, identity, or absence of mistake or accident.

**History:** Sup. Ct. Order, 59 Wis. 2d R1, R75 (1973); 1975 c. 184; 1991 a. 32; 2005 a. 310.

11          **SECTION 20.** 904.04 (2) (b) of the statutes is renumbered 904.04 (2) (b) 2.

12          **SECTION 21.** 938.34 (15) (a) 1. of the statutes, as affected by 2013 Wisconsin Act  
13          20, is amended to read:

14          938.34 **(15)** (a) 1. If the juvenile is adjudicated delinquent on the basis of a  
15          violation that would be a felony if committed by an adult in this state or of a violation  
16          of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), 944.31, 944.33 (1), 946.52, or  
17          948.10 (1) (b), the court shall require the juvenile to comply with the requirement  
18          under s. 165.76 (1) (am) by providing a biological specimen to the state crime  
19          laboratories for deoxyribonucleic acid analysis. The court shall inform the juvenile  
20          that he or she may request expungement under s. 165.77 (4).

**NOTE: NOTE:** Subd. 1. is shown as amended eff. 4-1-15 by 2013 Wis. Act 20. Prior to 4-1-15 it reads: **NOTE:**

21          1. If the juvenile is adjudicated delinquent on the basis of a violation of s. 940.225, 948.02 (1) or (2), 948.025, or 948.085 (2), the court shall require the juvenile to  
22          provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis.

**History:** 1995 a. 77, 332, 440, 448; 1997 a. 27, 35, 36, 84, 130, 164, 183, 285; 1999 a. 9, 32, 57, 89, 185; 2001 a. 16, 59, 69, 109; 2003 a. 33, 50, 200, 321; 2005 a. 14, 253, 277, 344; 2007 a. 97, 116; 2009 a. 8, 28, 103, 137, 185, 302, 334; 2011 a. 32, 258; 2013 a. 20; s. 35.17 correction in (3) (f) 4.

23          **SECTION 22.** 938.355 (2d) (a) 2. of the statutes is amended to read:

1           938.355 (2d) (a) 2. “Sexual abuse” means a violation of s. 940.225, 944.30 (1m), ✓  
2           948.02, 948.025, 948.05, 948.055, 948.06, 948.085, 948.09 or 948.10 or a violation of  
3           the law of any other state or federal law if that violation would be a violation of s.  
4           940.225, 944.30 (1m), ✓ 948.02, 948.025, 948.05, 948.055, 948.06, 948.085 (2), 948.09  
5           or 948.10 if committed in this state.

**History:** 1995 a. 77, 352; 1997 a. 27, 35, 205, 237, 239, 252; 1999 a. 9, 32, 103; 2001 a. 16, 69, 109; 2003 a. 50; 2005 a. 277, 344; 2007 a. 20, 97; 2009 a. 28, 79, 94, 103, 180, 185, 302; 2011 a. 181, 258; s. 13.92 (2) (i).

6           **SECTION 23.** 938.371 (3) (d) of the statutes is amended to read:

7           938.371 (3) (d) Any involvement of the juvenile, whether as victim or  
8           perpetrator, in sexual intercourse or sexual contact in violation of s. 940.225, 948.02,  
9           948.025, or 948.085, prostitution in violation of s. 944.30 (1m), ✓ sexual exploitation  
10          of a child in violation of s. 948.05, or causing a child to view or listen to sexual activity  
11          in violation of s. 948.055, if the information is necessary for the care of the juvenile  
12          or for the protection of any person living in the foster home, group home, residential  
13          care center for children and youth, or juvenile correctional facility.

**History:** 1995 a. 77, 275, 352; 1997 a. 35, 272; 1999 a. 32; 2001 a. 59; 2005 a. 232, 277, 344; 2007 a. 97; 2009 a. 28, 209; 2011 a. 181, 260.

14          **SECTION 24.** 939.615 (1) (b) 2. of the statutes is amended to read:

15          939.615 (1) (b) 2. A violation, or the solicitation, conspiracy or attempt to  
16          commit a violation, under ch. 940, 942, 943, 944 or 948 other than a violation  
17          specified in subd. 1., if the court determines that one of the purposes for the conduct  
18          constituting the violation was for the actor’s sexual arousal or gratification.

**History:** 1997 a. 275; 1999 a. 3, 89; 2001 a. 109; 2005 a. 277; 2007 a. 20 s. 9121 (6) (a); 2007 a. 116.

19          **SECTION 25.** 940.302 (1) (a) of the statutes is renumbered 940.302 (1) (a) (intro.)

20          and amended to read:

21          940.302 (1) (a) (intro.) “Commercial sex act” means ~~sexual contact~~ any of the  
22          following for which anything of value is given to, promised, or received, directly or  
23          indirectly, by any person-;

**History:** 2007 a. 116.

**SECTION 26.** 940.302 (1) (a) 1., 2., 3. and 4. of the statutes are created to read:

940.302 (1) (a) 1. Sexual contact.

2. Sexual intercourse.

3. Sexually explicit performance.

4. Any other conduct done for the purpose of sexual humiliation, degradation, arousal, or gratification.

**SECTION 27.** 940.302 (1) (d) of the statutes is amended to read:

940.302 (1) (d) “Trafficking” means recruiting, enticing, harboring, transporting, providing, or obtaining, or attempting to recruit, entice, harbor, transport, provide, or obtain, an individual ~~without consent of the individual.~~ ✓

History: 2007 a. 116.

**SECTION 28.** 940.302 (2) (a) 2. i. of the statutes is amended to read:

940.302 (2) (a) 2. i. Controlling or threatening to control any individual’s access to an addictive controlled substance. ✓

History: 2007 a. 116.

**SECTION 29.** 940.302 (2) (a) 2. j. of the statutes is amended to read:

940.302 (2) (a) 2. j. Using any scheme ~~or, pattern, or other means~~ to cause an directly or indirectly coerce, threaten, or intimidate any individual to believe that any individual would suffer bodily harm, financial harm, restraint, or other harm. ✓

History: 2007 a. 116.

**SECTION 30.** 940.302 (2) (a) 2. k. and L. of the statutes are created to read:

940.302 (2) (a) 2. k. Using or threatening to use force or violence on any individual.

L. Causing or threatening to cause any individual to do any act against the individual’s will or without the individual’s consent. ✓

**SECTION 31.** 940.302 (2) (b) of the statutes is amended to read:



1 940.302 (2) (b) Whoever benefits in any manner from a violation of par. (a) is  
2 guilty of a Class D felony if the person knows or reasonably should have known that  
3 the benefits come from or are derived from an act or scheme described in par. (a).

History: 2007 a. 116.

4 **SECTION 32.** 944.30 of the statutes is renumbered 944.30 (1m).

5 **SECTION 33.** 944.30 (2m) of the statutes is created to read:

6 944.30 (2m) If the person under sub. (1) has not attained the age of 18 years  
7 and if the court determines that the best interests of the person are served and  
8 society will not be harmed and the public are served, the court may enter a consent  
9 decree under s. 938.32 or a deferred prosecution agreement in accordance with s.  
10 938.245, 971.39, or 971.40.

11 **SECTION 34.** 944.33 (1) of the statutes is renumbered 944.33.

12 **SECTION 35.** 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and  
13 amended to read:

14 940.302 (2) (c) ~~If the person received~~ Whoever knowingly receives  
15 compensation from the earnings of the debt bondage or a prostitute, such person is  
16 guilty of a Class F felony.

History: 1977 c. 173; 1979 c. 221, 355; 1983 a. 17; 1993 a. 486; 2001 a. 109.

\*\*\*\*NOTE: I did not add "a commercial sex act" for the instructions. That seemed  
so broad, since this prohibition has no element of force or trafficking, as to render people  
associated with businesses such as "gentlemen's clubs" guilty of a felony. That would  
greatly expand upon the original provision, which focused on receipt of compensation  
from the earnings of a prostitute. Would you prefer to add "commercial sex act," but limit  
it to sub. (1) (a) 1. and 2.?

17 **SECTION 36.** 944.33 (3) of the statutes is renumbered 904.04 (2) (b) 1. and  
18 amended to read:

19 904.04 (2) (b) 1. In a prosecution under this section, it is competent for the state  
20 to prove other criminal proceeding alleging a violation of s. 940.302 (2) or of ch. 948,  
21 alleging the commission of a serious sex offense, as defined in s. 939.615 (1) (b), or

1 of domestic abuse, as defined in s. 968.075 (1) (a), or alleging an offense that,  
2 following a conviction, is subject to the surcharge in s. 973.055, evidence of any  
3 similar acts by the accused for the purpose of showing the accused's intent and  
4 disposition <sup>gr</sup> is admissible and is admissible without regard to whether the victim of  
5 the crime that is the subject of the proceeding is the same as the victim of the similar  
6 act.

History: 1977 c. 173; 1979 c. 221, 355; 1983 a. 17; 1993 a. 486; 2001 a. 109.

7 **SECTION 37.** 946.82 (4) of the statutes is amended to read:

8 946.82 (4) "Racketeering activity" means any activity specified in 18 USC 1961  
9 (1) in effect as of April 27, 1982, or the attempt, conspiracy to commit, or commission  
10 of any of the felonies specified in: chs. 945 and 961, subch. V of ch. 551, and ss. 49.49,  
11 134.05, 139.44 (1), 180.0129, 181.0129, 185.825, 201.09 (2), 215.12, 221.0625,  
12 221.0636, 221.0637, 221.1004, 553.41 (3) and (4), 553.52 (2), 940.01, 940.19 (4) to (6),  
13 940.20, 940.201, 940.203, 940.21, 940.30, 940.302 (2), 940.305, 940.31, 941.20 (2) and  
14 (3), 941.26, 941.28, 941.298, 941.31, 941.32, 942.09, 943.01 (2), (2d), or (2g), 943.011,  
15 943.012, 943.013, 943.02, 943.03, 943.04, 943.05, 943.06, 943.10, 943.20 (3) (bf) to (e),  
16 943.201, 943.203, 943.23 (1g), (2) and (3), 943.24 (2), 943.27, 943.28, 943.30, 943.32,  
17 943.34 (1) (bf), (bm), and (c), 943.38, 943.39, 943.40, 943.41 (8) (b) and (c), 943.50 (4)  
18 (bf), (bm), and (c) and (4m), 943.60, 943.70, 943.76, 943.81, 943.82, 943.83, 943.84,  
19 943.85, 943.86, 943.87, 943.88, 943.89, 943.90, 944.21 (5) (c) and (e), 944.32, 944.33  
20 (2), <sup>✓</sup>944.34, 945.03 (1m), 945.04 (1m), 945.05 (1), 945.08, 946.10, 946.11, 946.12,  
21 946.13, 946.31, 946.32 (1), 946.48, 946.49, 946.61, 946.64, 946.65, 946.72, 946.76,  
22 946.79, 947.015, 948.05, 948.051, 948.08, 948.12, and 948.30.

History: 1981 c. 280; 1983 a. 438; 1985 a. 104; 1985 a. 236 s. 15; 1987 a. 266 s. 5; 1987 a. 332, 348, 349, 403; 1989 a. 121, 303; 1991 a. 32, 39, 189; 1993 a. 50, 92, 94, 112, 280, 441, 491; 1995 a. 133, 249, 336, 448; 1997 a. 35, 79, 101, 140, 143, 252; 1999 a. 9, 150; 2001 a. 16, 105, 109; 2003 a. 36, 321; 2005 a. 212; 2007 a. 116, 196; 2009 a. 180; 2011 a. 174.

23 **SECTION 38.** 948.051 (1) of the statutes is amended to read:

1           948.051 (1) Whoever knowingly recruits, entices, provides, obtains, or harbors,  
2           or knowingly attempts to recruit, entice, provide, obtain, or harbor, any child for the  
3           purpose of commercial sex acts, as defined in s. 940.302 (1) (a), ~~or sexually explicit~~  
4           performance is guilty of a Class C felony.

History: 2007 a. 116.

5           **SECTION 39.** 948.07 (3) of the statutes is amended to read:

6           948.07 (3) Exposing ~~a sex organ~~ genitals, pubic area, or intimate parts to the  
7           child or causing the child to expose ~~a sex organ~~ genitals, pubic area, or intimate parts  
8           in violation of s. 948.10.

History: 1987 a. 332; 1995 a. 67, 69, 448, 456; 2001 a. 16, 109; 2005 a. 277.

9           **SECTION 40.** 948.10 (title) of the statutes is amended to read:

10          **948.10 (title) Exposing genitals ~~or~~, pubic area, or intimate parts.**

History: 1987 a. 332; 1989 a. 31; 1995 a. 165; 2009 a. 202.

11          **SECTION 41.** 948.10 (1) (intro.) of the statutes is amended to read:

12          948.10 (1) (intro.) Whoever, for purposes of sexual arousal or sexual  
13          gratification, causes a child to expose genitals ~~or~~, pubic area, or intimate parts or  
14          exposes genitals ~~or~~, pubic area, or intimate parts to a child is guilty of the following:

History: 1987 a. 332; 1989 a. 31; 1995 a. 165; 2009 a. 202.

15          **SECTION 42.** 949.03 (1) (b) of the statutes is amended to read:

16          949.03 (1) (b) The commission or the attempt to commit any crime specified in  
17          s. 346.62 (4), 346.63 (2) or (6), 940.01, 940.02, 940.03, 940.05, 940.06, 940.07, 940.08,  
18          940.09, 940.10, 940.19, 940.20, 940.201, 940.21, 940.22 (2), 940.225, 940.23, 940.235,  
19          940.24, 940.25, 940.285, 940.29, 940.30, 940.302 (2), 940.305, 940.31, 940.32,  
20          941.327, 943.02, 943.03, 943.04, 943.10, 943.20, 943.23 (1g), 943.32, 943.81, 943.86,  
21          943.87, 948.02, 948.025, 948.03, 948.04, 948.05, 948.051, 948.06, 948.07, 948.075,  
22          948.08, 948.085, 948.09, 948.095, 948.20, 948.30 or 948.51.

History: 1975 c. 224 s. 145za; 1975 c. 344; 1977 c. 173, 239; 1979 c. 118; 1983 a. 199, 356, 538; 1985 a. 275; 1985 a. 293 s. 3; 1985 a. 306 s. 5; 1987 a. 90, 332, 380, 399, 403; 1989 a. 105, 140, 359; 1993 a. 92, 237; 1995 a. 153, 374, 456; 1997 a. 35, 143, 258; 2001 a. 109; 2005 a. 212, 277; 2007 a. 97, 116; 2011 a. 271.

23          **SECTION 43.** 950.04 (1v) (p) of the statutes is amended to read:

Create  
A.R.Y.

1 950.04 (1v) (p) To have the person preparing a presentence investigation under  
2 s. 972.15 make a reasonable attempt to contact the victim, as provided in s. 972.15  
3 (2m), and to view the sentence recommendation and any victim information included  
4 on the presentence investigation report, as provided in s. 972.15 (4n). ✓

**History:** 1979 c. 219; 1983 a. 102, 364; 1985 a. 311; 1987 a. 332 s. 64; 1989 a. 31; 1997 a. 181, 237, 283; 1999 a. 9, 32, 188; 2001 a. 16, 109; 2003 a. 224; 2005 a. 155, 277, 434, 447; 2007 a. 20 ss. 3863, 9121 (6) (a); 2007 a. 97; 2009 a. 28, 138; 2011 a. 38, 283.

\*\*\*\*NOTE: See comment under SECTION 46. Use A.R. X

5 **SECTION 44.** 971.17 (1m) (a) 1. of the statutes, as affected by 2013 Wisconsin  
6 Act 20, is amended to read:

7 971.17 (1m) (a) 1. If the defendant under sub. (1) is found not guilty by reason  
8 of mental disease or defect for a felony or a violation of s. 165.765 (1), 2011 stats., or  
9 of s. 940.225 (3m), 941.20 (1), 944.20, 944.30 (1m), ✓ 944.31, 944.33 (1), 946.52, or  
10 948.10 (1) (b), the court shall require the person to provide a biological specimen to  
11 the state crime laboratories for deoxyribonucleic acid analysis. The judge shall  
12 inform the person that he or she may request expungement under s. 165.77 (4).

**History:** 1975 c. 430; 1977 c. 353; 1977 c. 428 s. 115; 1983 a. 359; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 394; 1989 a. 31, 142, 334, 359; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 39, 189, 269; 1993 a. 16, 98, 227; 1995 a. 27 s. 9126 (19); 1995 a. 417, 425, 440, 448; 1997 a. 35, 130, 181, 252, 275; 1999 a. 89; 2001 a. 95, 109; 2003 a. 50; 2005 a. 277, 431; 2007 a. 20 ss. 3875, 9121 (6) (a); 2007 a. 116; 2009 a. 26, 28, 137, 261; 2011 a. 258; 2013 a. 20.

13 **SECTION 45.** 972.15 (4) of the statutes is amended to read:

14 972.15 (4) Except as provided in sub. (4m), (4n), ✓ (5), or (6), after sentencing the  
15 presentence investigation report shall be confidential and shall not be made  
16 available to any person except upon specific authorization of the court.

**History:** 1983 a. 102; 1987 a. 27, 227; 1991 a. 39; 1993 a. 213; 1997 a. 73, 181, 205, 283; 1999 a. 32; 2001 a. 109; 2003 a. 33; 2005 a. 311, 434; 2007 a. 20 s. 9121 (6) (a); 2007 a. 80, 97; 2011 a. 273.

17 **SECTION 46.** 972.15 (4n) of the statutes is created to read:

18 972.15 (4n) The district attorney may disclose to a victim the sentence  
19 recommendation on a presentence investigation report and any information  
20 regarding the victim included under sub. (2m) ✓ on the report. Use A.R. Y

\*\*\*\*NOTE: This provision gives the DA the discretion to disclose the information to the victim but s. 950.04 (1v) (p) gives the victim the right to see it (see SECTION 43). Should this provision require the DA to disclose the information to the victim if the victim requests it?

1           **SECTION 47.** 973.015 of the statutes is renumbered 973.015 (1m), and 973.015  
2 (1m) (a) 1., as renumbered, is amended to read:

3           973.015 (1m) (a) 1. Subject to ~~par. (b)~~ <sup>✓</sup> subd. 2. and except as provided in ~~par.~~  
4 ~~(e)~~ subd. 3. <sup>✓</sup>, when a person is under the age of 25 at the time of the commission of an  
5 offense for which the person has been found guilty in a court for violation of a law for  
6 which the maximum period of imprisonment is 6 years or less, the court may order  
7 at the time of sentencing that the record be expunged upon successful completion of  
8 the sentence if the court determines the person will benefit and society will not be  
9 harmed by this disposition. ~~This subsection~~ <sup>plan</sup> ~~does not apply to information~~ ~~maintained by the department of transportation regarding a conviction that is~~  
10 ~~required to be included in a record kept under s. 343.23 (2) (a).~~ ~~Paragraph 3 deleted.~~

12           **SECTION 48.** 973.015 (2m) of the statutes is created to read:

13           973.015 (2m) At any time after a person has been convicted, adjudicated  
14 delinquent, or found not guilty by reason of mental disease or defect for a violation  
15 of s. 944.30, a court may, upon the motion of the person, vacate the conviction,  
16 adjudication, or finding, or may order that the record of the violation of s. 944.30 be  
17 expunged, if all of the following apply:

18           (a) The person was a victim of trafficking for the purposes of a commercial sex  
19 act, as defined in s. 940.302 (1) (a), <sup>✓</sup> under s. 940.302 <sup>✓</sup> or 948.051 <sup>✓</sup> or under 22 USC 7101  
20 to 7112.

21           (b) The person committed the violation of s. 944.30 as a result of being a victim  
22 of trafficking for the purposes of a commercial sex act.

23           (c) The person submitted a motion that complies with s. 971.30, that contains  
24 a statement of facts and, if applicable, the reason <sup>✓</sup> ~~that~~ <sup>or</sup> the person did not previously  
25 raise an affirmative defense under s. 939.46 or allege that the violation was

1 committed as a result of being a victim of trafficking for the purposes of a commercial  
2 sex act, and that may include any of the following:

- 3 1. Certified records of federal or state court proceedings.
- 4 2. Certified records of approval notices, law enforcement certifications, or  
5 similar documents generated from federal immigration proceedings.
- 6 3. Official documentation from a federal, state, or local government agency.
- 7 4. Other relevant and probative evidence of sufficient credibility in support of  
8 the motion.

9 (d) The person made the motion with due diligence subject to reasonable  
10 concern for the safety of himself or herself, family members, or other victims of  
11 trafficking for the purposes of a commercial sex act or subject to other reasons  
12 consistent with the safety of persons.

13 (e) A copy of the motion has been served on the office of the district attorney  
14 that prosecuted the case that resulted in the conviction, adjudication, or finding  
15 except that failure to serve a copy does not deprive the court of jurisdiction and is not  
16 grounds for dismissal of the motion.

17 (f) The court in which the motion was made notified the appropriate district  
18 attorney's office of the motion and has given the district attorney's office an  
19 opportunity to respond to the motion.

20 (g) The court determines that the person will benefit and society will not be  
21 harmed by a disposition.

22 **SECTION 49.** 973.015 (4) of the statutes is created to read:

23 973.015 (4) A special disposition under this section is not a basis for a claim  
24 under s. 775.05. ✓

25 **SECTION 50.** 973.075 (1) (a) of the statutes is amended to read:

1 973.075 (1) (a) All property, real or personal, including money, used in the  
2 course of, intended for use in the course of, or directly or indirectly derived from or  
3 realized through the commission of any crime.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91.

4 **SECTION 51.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

5 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 944.30 (1m),  
6 944.31, 944.32, 944.33 or 944.34.

7 **SECTION 52.** 973.075 (1) (b) 1m. c. of the statutes is amended to read:

8 973.075 (1) (b) 1m. c. In the commission of a crime in violation of s. 940.302,  
9 944.30, 944.31, 944.32, 944.33 or, 944.34, 948.02, 948.025, 948.05, 948.051, 948.055,  
10 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14.

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91.

11 **SECTION 53.** 973.075 (2) (intro.) of the statutes is amended to read:

12 973.075 (2) (intro.) A law enforcement officer may seize property subject to this  
13 section upon process issued by any court of record having jurisdiction over the  
14 property. Except for vehicles used in the commission of a crime in violation of s.  
15 944.30 (1m), 944.31, 944.32, 944.33 or 944.34, seizure without process may be made  
16 under any of the following circumstances:

History: 1981 c. 267; 1985 a. 245, 258; 1987 a. 348; 1989 a. 263; 1993 a. 92, 169, 459, 491; 1995 a. 290, 448; 1997 a. 35, 285; 1999 a. 45, 51, 186; 2001 a. 16, 91.

17 **SECTION 54.** 973.076 (1) (title) of the statutes is created to read:

18 973.076 (1) (title) CIVIL FORFEITURES.

19 **SECTION 55.** 973.076 (1) of the statutes is renumbered 973.076 (1) (a).

20 **SECTION 56.** 973.076 (2) of the statutes is renumbered 973.076 (1) (b), and  
21 973.076 (1) (b) 3., as renumbered, is amended to read:

22 973.076 (1) (b) 3. In counties having a population of 500,000 or more, the  
23 district attorney or the corporation counsel may proceed under par. (a) subd. 1.

History: 1981 c. 267; Sup. Ct. Order, 120 Wis. 2d xiii (1984); 1985 a. 245; 1989 a. 121; 1993 a. 92, 321, 491; 1997 a. 187.

1           **SECTION 57.** 973.076 (2m) of the statutes is created to read:

2           **973.076 (2m) CRIMINAL FORFEITURES.** (a) In addition to any penalties under this  
3 chapter, the court shall, with due provision for the rights of innocent persons, order  
4 forfeiture of any property specified <sup>in</sup> under s. 973.075 (1) in accordance with pars. (b),  
5 (c), and (d).

6           (b) A criminal complaint must allege the extent of property subject to forfeiture  
7 under this subsection. At trial, the court or the jury shall return a special verdict  
8 determining the extent of property, if any, that is subject to forfeiture under this  
9 subsection. When a special verdict contains a finding of property subject to a  
10 forfeiture under this subsection, a judgment of criminal forfeiture shall be entered  
11 along with the judgment of conviction under s. 972.13. ✓

12           (c) An injured person has a right or claim to forfeited property or the proceeds  
13 derived from forfeited property under this subsection that is superior to any right or  
14 claim the state has in the <sup>or</sup> ~~the~~ property or proceeds. This paragraph does not grant  
15 the injured person priority over state claims or rights by reason of a tax lien or other  
16 basis not covered by this section or by s. 973.075 or 973.077. ✓ All rights, titles, and  
17 interest in property <sup>specified</sup> ~~described~~ in s. 973.075 (1) vest in the state upon the commission  
18 of the act giving rise to forfeiture under this subsection.

19           (d) An injured or innocent person may petition the court for relief from the  
20 judgment of criminal forfeiture entered under par. (b) within 30 days after it is  
21 entered. The person filing the petition has the burden of satisfying or convincing to  
22 a reasonable certainty by the greater weight of the evidence that the person has a  
23 bona fide perfected security interest in the property subject to forfeiture in s. 973.075  
24 (1) or any other property subject to forfeiture in sub. (4). ✓ The court may order that  
25 a person with a bona fide perfected security interest be paid from the proceeds of the



1 forfeiture or any other equitable relief necessary so as to do substantial justice to the  
2 person.

3 **SECTION 58. Effective dates.** This act takes effect on the day after publication,  
4 except as follows:

5 (1) The treatment of sections 51.20 (13) (cr), 165.75 (1) (am), 938.34 (15) (a) 1.,  
6 and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

7 (END)

**2013-2014 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-3538/Plins  
CMH:wlj:...

**INSERT 6-7**

1           **SECTION 1.** 301.45 (1p) (a) of the statutes is amended to read:

2           301.45 (**1p**) (a) If a person is covered under sub. (1g) based solely on an order  
3 that was entered under s. 938.34 (15m) (am) or 973.048 (1m) in connection with a  
4 delinquency adjudication or a conviction for a violation of s. 942.08 (2) (b), (c), or (d),  
5 the person is not required to comply with the reporting requirements under this  
6 section if the delinquency adjudication is expunged under s. 938.355 (4m) (b) or if the  
7 conviction is expunged under s. 973.015 ~~(2)~~ (1m) (b).

8           **SECTION 2.** 301.45 (7) (e) 2. of the statutes is amended to read:

9           301.45 (**7**) (e) 2. The department issues a certificate of discharge under s.  
10 973.015 ~~(2)~~ (1m) (b).

11           **SECTION 3.** 301.45 (7) (e) 3. of the statutes is amended to read:

12           301.45 (**7**) (e) 3. The department receives a certificate of discharge issued under  
13 s. 973.015 ~~(2)~~ (1m) (b) by the detaining authority.

**INSERT 16-16**

14           **SECTION 4.** 973.075 (5m) (c) (intro.) of the statutes is amended to read:

15           973.075 (**5m**) (c) (intro.) If, by the forfeiture action deadline, a summons,  
16 complaint and affidavit have not been filed under s. 973.076 ~~(2)-(a)~~ (1) (b) 1. with  
17 respect to property seized under sub. (1) (e), the prosecutor shall notify the victim,  
18 if known, by certified mail no later than 7 days after the forfeiture action deadline.  
19 The prosecutor shall then return the property to the person from whom it was seized  
20 no earlier than 60 days and no later than 90 days after the forfeiture action deadline  
21 unless one of the following applies:

## Hanaman, Cathlene

---

**From:** Morouney, Lonna  
**Sent:** Friday, November 22, 2013 4:13 PM  
**To:** Hanaman, Cathlene  
**Subject:** Fwd: human trafficking

Hi Cathleen,

Could you please redraft the human trafficking bill to incorporate these changes from DOJ? I'm sorry I don't have the Lrb number with me.

Lonna

Sent from my iPhone

Begin forwarded message:

**From:** "Rinehart, Mark W - DOJ" <[RinehartMW@DOJ.STATE.WI.US](mailto:RinehartMW@DOJ.STATE.WI.US)>  
**Date:** November 21, 2013 at 5:02:46 PM CST  
**To:** "Morouney, Lonna" <[Lonna.Morouney@legis.wisconsin.gov](mailto:Lonna.Morouney@legis.wisconsin.gov)>  
**Subject:** human trafficking

Hi Lonna,

Received your message. We reviewed the draft and have a handful of relatively minor suggestions for changes.

- 1) **SECTION \_\_.** 904.04 (2) (b) (title) of the statutes is created to read:

904.04 2) (b) (title) *Greater latitude*.

Adding the proposed title *Greater latitude* expands upon concepts and a phrase used within court decisions for over a hundred years. *See Proper v. State*, 85 Wis. 615, 630, 55 N.W. 1035, 1040 (1893) (“[a] greater latitude of proof as to other like occurrences is allowed in cases of sexual crimes.”); *See also State v. Davidson*, 2000 WI 91, 236 Wis. 2d 537, 613 N.W.2d 606, ¶ 51 (2000) (reaffirming the greater latitude rule). Although a title is not necessary, its inclusion was to reflect case law referring to “greater latitude” for other acts evidence in certain classes of crimes. Although the statutory change is not simply a codification of case law, including the “greater latitude” title alerts a reader to the similarity between the case law and the new statutory section.

- 2) **Section 36:** Change Section 36 of the LRB draft to include “commercial sex act” limited to sub. (1) (a) 1. and 2. A note to this section identifies the reason for the limitation. Under this proposed change, Section 36 could be changed to read:

**SECTION 36.** 944.33 (2) of the statutes is renumbered 940.302 (2) (c) and amended to read:

940.302 (2) (c) ~~If the person received~~ Whoever knowingly receives compensation from the earnings of ~~the debt bondage, a prostitute or a commercial sex act, as defined in sub. (1) (a) 1. or 2., such person~~ is guilty of a Class F felony.

- 3) **Sections 44, 46-47:** Change Section 44 of the LRB draft and replace Sections 46 and 47 with a new section that amends s. 972.15 (4m). A note to Sections 44 and 47 in the draft identifies a potential conflict between the language used within the draft. By amending s. 972.15 (4m) with a specific exception to confidentiality through a statutory reference to s. 950.04 (1v) (p), the conflict is reconciled without the need for creating a new subsection within s. 972.15. Under this recommendation, Sections 46 and 47 are removed from the draft and replaced with a new section along with a proposed change to Section 44 that collectively reads:

**SECTION 44.** 950.04 (1v) (p) of the statutes is amended to read:

950.04 (1v) (p) To have the person preparing a presentence investigation under s. 972.15 make a reasonable attempt to contact the victim and to view the sentence recommendation and any victim information included on the presentence investigation report, as provided in s. 972.15 (2m) and (4m).

**SECTION \_\_.** 972.15 (4m) of the statutes is amended to read:

972.15 (4m) The district attorney and the defendant's attorney are entitled to have and keep a copy of the presentence investigation report. If the defendant is not represented by counsel, the defendant is entitled to view the presentence investigation report but may not keep a copy of the report. A Except as provided in s. 950.04 (1v) (p), a district attorney or defendant's attorney who receives a copy of the report shall keep it confidential. A defendant who views the contents of a presentence investigation report shall keep the information in the report confidential.

- 4) **Section 50:** Change Section 50 of the draft by renumbering the newly created section from sub. (4) to sub. (3), based upon Sections 48 and 49 only requiring the use of subs. (1m) and (2m). Under this proposed change, Sections 48 and 49 remain as written, while Section 50 is changed to read:

**SECTION 50.** 973.015 (3) of the statutes is created to read:

973.015 (3) A special disposition under this section is not a basis for a claim under s. 775.05.

- 5) **Section 53:** Change Section 53 of the draft so that the crimes identified within this section correspond to the crimes listed within s. 973.075 (1) (b) 1m. c., as amended in Section 52 of the draft. Under this proposed change, Section 52 remains as written in the draft, while Section 53 is changed to read:

**SECTION 53.** 973.075 (2) (intro.) of the statutes is amended to read:

973.075 (2) (intro.) A law enforcement officer may seize property subject to this section upon process issued by any court of record having jurisdiction over the property. Except for vehicles used in the commission of a crime in violation of s. 940.302, 944.30 (1m), 944.31, 944.32, 944.33 ~~or~~, 944.34, 948.02, 948.025, 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.09, 948.10, 948.12, or 948.14, seizure without process may be made under any of the following circumstances:

- 6) **Section 59:** Change Section 59 of the draft to correct an apparent typographical error. The draft, in Section 59, cites to s. 165.75 (1) (am). This appears to be a typographical error, where the intended citation was to s. 165.76 (1) (am), as demonstrated by Section 11 of the draft citing to s. 165.76 (1) (am). If indeed this is a typographical error, then Section 59 may be changed to read:

**SECTION 59. Effective dates.** This act takes effect on the day after publication, except as follows:

- (1) The treatment of sections 51.20 (13) (cr), 165.76 (1) (am), 938.34 (15) (a) 1., and 971.17 (1m) (a) 1. of the statutes takes effect on April 1, 2015.

File

## Hanaman, Cathlene

---

**From:** Morouney, Lonna  
**Sent:** Monday, December 02, 2013 2:23 PM  
**To:** Hanaman, Cathlene  
**Subject:** 3538/P1 human trafficking

Hi Cathlene,

Would you please add this provision requested by DOJ to the human trafficking bill, LRB 3538/P1. Thanks!

Lonna

One more item to consider including in the proposal. Add stalking to the list of crimes resulting in imposition of the domestic abuse surcharge when a defendant commits stalking against his or her spouse or former spouse, against an adult with whom the adult person resides or formerly resided or against an adult with whom the adult person has created a child. Such a change is easily accomplished through the following amendment:

SECTION \_\_. 973.055(1)(a)1. of the statutes is amended to read:

973.055(1)(a)1. The court convicts the person of a violation of a crime specified in s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.19, 940.20 (1m), 940.201, 940.21, 940.225, 940.23, 940.235, 940.285, 940.30, 940.305, 940.31, 940.32, 940.42, 940.43, 940.44, 940.45, 940.48, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125 or of a municipal ordinance conforming to s. 940.201, 941.20, 941.30, 943.01, 943.011, 943.14, 943.15, 946.49, 947.01 (1), 947.012 or 947.0125; and

15-11

Lonna Morouney  
Committee Clerk for Assembly Committee on Workforce Development  
Office of Representative Amy Loudenberg  
31<sup>st</sup> Assembly District

Office 209 North  
PO Box 8952  
Madison, WI 53708  
608-266-9967 Toll free: (888) 529-0031  
[Lonna.morouney@legis.wi.gov](mailto:Lonna.morouney@legis.wi.gov)